

**REMARKS**

**Claim Objections:**

The Examiner has objected to claim 2 because claim 2 “depends on itself.” Applicant has amended claim 2 as shown in the previous section to depend on claim 1. Applicant hereby requests the Examiner reconsider and withdraw the above rejection.

**35 U.S.C. § 102(b) Rejection - Claims 1-15:**

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,939,581 to Shalit. In view of the following discussion, Applicant respectfully traverses the above rejection.

Applicant notes that the present invention is directed to handling picture data comprised of a plurality of element colors, and adjusts the proportion of the values of each of the element colors. *See e.g.* claims 1, 6 and 11. Stated differently, in the present invention “relative proportions among element colors [are] adjusted to prescribed values correspondingly to luminance values after luminance conversion.” *See* claim 1, 6, and 11. However, Applicant submits that Shalit fails to disclose this aspect of the invention.

Shalit discloses a method and system used to improve monotone reproducibility when displaying an X-ray radiograph on a CRT and photographing it by a silver-halide film camera to make a hard copy. To accomplish this, a test pattern is displayed on the CRT, photographed by the silver-halide film camera, and a hard copy is made. Following this, a hard copy is scanned (to be digitized) and a tone curve is produced. The tone curve is produced so that the original gradation value is achieved.

However, the present invention offers more than simply correcting the gradation distribution of a monochrome picture. With the present invention, it is intended to adjust the balance of the values of each of the element “colors” of “color” picture data. This is not disclosed in Shalit, which is limited to monochrome operation.

Moreover, the claimed invention contains a “luminance distribution totaling unit for totaling the luminance equivalent of each picture element on the basis of [the] picture data.” *See* claim 1, *see also* claims 6 and 11. Contrary to the Examiner’s assertions, this is not disclosed in Shalit. The Examiner references the Densitometer 38 as corresponding to this aspect of the claimed invention. However, Applicant submits that the Densitometer 38 fails to correspond to the luminance distribution totaling unit of the present application. Namely, as indicated in Shalit, the Densitometer 38 “measures the density values of the test pattern 37 on the developed film 36.” Col. 7, lines 45-48. There is no disclosure, whatever, of a totaling process or that this component (38) performs any kind of totaling function. Because the Densitometer 38 “measures” vales does not disclose that this component totals the luminance equivalent of each picture element on the basis of the picture data. Therefore, for at least this reason Shalit fails to disclose each and every feature of the claimed invention.

Further, as indicated previously, Shalit is only directed to creating a monotone image from a monotone image. The Examiner attempts to cure this deficiency by arguing that Shalit discloses using an image captured on a “gray scale CRT” which is composed of a “plurality colors including black, white, and several shades of gray.” Examiner’s Office Action, page 2. Applicant disagrees with the Examiner’s overly broad reading of the claim language.

Specifically, Applicant respectfully submits that in the field of the present invention, a skilled artisan readily recognizes a distinction between uses of the term “color” and monotone, as set forth in the claims and described in the present application. Specifically, the skilled artisan recognizes a distinction between color image data and monotone image data. Stated differently, one of ordinary skill in the art would not refer to a monotone image, an monotone image printing apparatus or monotone image data which “black, white and several shades of gray” as a “color” image, a “color” image printing apparatus, and “color” image data. Thus, Applicant submits that the Examiner’s application of Shalit, in rejecting the present claims, constitutes an unreasonably broad interpretation of the language of the claimed invention.

Because of at least this distinction, Applicant submits that Shalit fails to disclose the luminance correspondence setting unit of the claimed invention. *See* claim 1, *see also* claims 6 and 11. Specifically, because the claimed invention is converting color image data into monotone image data the luminance correspondence setting unit performs a plurality of conversions (i.e. “relative proportions among element colors be adjusted to prescribed values correspondingly to luminance values after luminance conversion”). *See* claim 1 (emphasis added). Because Shalit is only going from a monotone picture to a monotone picture, the above aspect of the claimed invention is not performed or achieved. Therefore, Shalit also fails to disclose at least this aspect of the claimed invention.

Specifically, Applicant notes that Shalit does not disclose the adjustment of each values of each element colors, because the picture element disclosed in Shalit does not contain a plurality of element colors. Because the plurality of element colors is not disclosed, Shalit can

not disclose this aspect of the invention. Thus, Shalit has little or no relevance to the claimed invention, as the present invention adjusts the proportions of each of a plurality of element color values.

In view of the foregoing, Applicant submits that Shalit fails to disclose each and every feature of the present invention, as set forth in claim 1, 6 and 11. Therefore, Applicant submits that Shalit fails to anticipate the present invention, as required under the provisions of 35 U.S.C. § 102(b). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(b) rejection of claims 1, 6 and 11. Further, as claims 2-5, 7-10 and 12-15 depend on these claims, respectively, Applicant submits that these claims are also allowable, at least by reason of their dependence.

**Conclusion:**

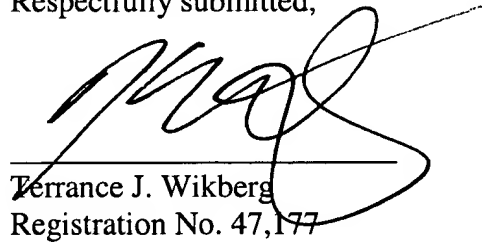
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.116  
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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